

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 10, 2001 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 10, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

10/29/2001

10/30/2001

SPECIAL ORDERS OF BUSINESS

ITEM-31: Hangers Cleaners Day.

COUNCILMEMBER PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-609)

Recognizing Hangers Cleaners for its environmental awareness and proclaiming December 10, 2001 as "Hangers Cleaners Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Scott Barnett Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-777)

Proclaiming December 10, 2001 as "Scott Barnett Day" in recognition for Scott Barnett's success in vigorously preserving the high standards of integrity, honor and courtesy in the legal profession.

SUPPORTING INFORMATION:

Scott Barnett was appointed Executive Director of the San Diego County Taxpayers Association in December of 1994. The Taxpayers Association, a non-profit, non-partisan organization founded in 1945, is dedicated to promoting cost effective and efficient government, and opposing unnecessary taxes and fees. Prior to being named Executive Director, Mr. Barnett spent the previous ten years in politics and government. In 1984 Mr. Barnett was elected to the Del Mar City Council at age 21, becoming the youngest elected City official in California. During his four-year tenure on the Del Mar City Council, Mr. Barnett also served as the City of Del Mar's representative on the Board of Directors of the North County Transit District and the San Diego Association of Governments (SANDAG). After leaving the City Council in 1988 Mr. Barnett spent two years in real estate and then the subsequent years as a political consultant. Mr. Barnett's campaign activities have encompassed over 70 elections including campaigns on the local, State and Federal level. Under Scott's leadership SDCTA created the annual Golden Watchdog and Golden Fleece Awards recognizing efficiency and waste in local government. Lastly, Scott enlisted the participation of elected officials as actors in videos spoofing local government, including "Who Wants to be a Mayor" starring Dick Murphy and "Taxpayers Cooks," starring Brian Maienschein. Therefore, proclaiming December 10, 2001 to be "Scott Barnett Day."

Balolong

SPECIAL ORDERS OF BUSINESS

ITEM-33: San Diego Junior Theatre Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-769)

Proclaiming December 3, 2001 to be "San Diego Junior Theatre Day" in San Diego in honor of 54 years of enhancing the lives of San Diego's youth through the magic of theatre arts.

SPECIAL ORDERS OF BUSINESS

ITEM-34: Susan Hamilton Day.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-790)

Proclaiming December 10, 2001 to be Susan C. Hamilton Day in the City of San Diego, in recognition of her public service and significant contributions to the local community during nearly three decades of service to the citizens of San Diego.

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51 and 52.

ORDINANCES TO BE INTRODUCED:

Items 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Establishing a City Public Utilities Advisory Commission (PUAC).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/26/2001.
(Council voted 9-0):

(O-2002-56 Rev. 11/26/2001)

Amending Chapter 2, Article 6, Division 11, of the San Diego Municipal Code by amending Section 26.1101, 26.1102 and 26.1103, and repealing Section 26.1104, all relating to the City Public Utilities Advisory Commission.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Hacienda Hotel Rezoning.

(RZ-40-0973. Old Town Plan Area. District-2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/27/2001. (Council voted 9-0):

(O-2002-58)

Rezoning a 3.52 acre site located at 4045 Harney Street, within the Old Town Community Plan area, from the Old Town San Diego Planned District Multi-Family and Public Zones into the Old Town San Diego Planned District Rosecrans Zone.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: Two actions related to North Village at Black Mountain Ranch Rezoning and Development Agreement.

(RZ-40-0528. Black Mountain Ranch Subarea 1 Community Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 11/27/2001. (Council voted 9-0):

Subitem-A: (O-2002-60)

Rezoning 659.33 acres located in the northern portion of Black Mountain Ranch, north of Lusardi Creek, in the Black Mountain Ranch Subarea I Planning area, from the AR-1-1 (Agricultural) zone to the Urban Village Overlay Zone [UVOZ], and the RS-1-14, RX-1-2, RM-1-2, RM-1-3, RM-2-6, CC-1-3, CC-3-5, CC-4-5, CV-1-1, OP-1-1, and OR-1-1 zones.

Subitem-B: (O-2002-61)

Approving the first amendment to the Second Amended and Restated Development Agreement between the City of San Diego and Black Mountain Ranch Limited Partnership.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-53: Modification of the Retirement Program for Former Legislative Officers.

(See City Manager Report CMR-01-258.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-62)

Introduction of an Ordinance amending Chapter 2, Article 4, Division 1, by amending Section 24.0103; and by amending Chapter 2, Article 4, Division 12, by amending Section 24.1201; and by amending Chapter 2, Article 4, Division 17, Section 24.1706, all relating to Elected Officers Retirement Plan.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/21/2001, RULES voted 4-0 to approve the City Manager's recommendation contained in the City Manager's Report CMR-01-258. (Councilmembers Wear, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Atkins not present.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Appointments and Reappointments to the Tree Advisory Board.

(See memorandum from Mayor Murphy dated 11/29/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-771)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Tree Advisory Board in the categories and for the terms indicated as follow:

<u>APPOINTEE</u>	<u>CATEGORY</u>	<u>TERM EXPIRES</u>
Nancy Hughes Chairperson (replaces Gayle Mcleod)	Mayor	December 31, 2004
Jim Neri (Replaces Sue Young)	District 1	December 31, 2003
Mike Singleton (Reappointment)	District 2	December 31, 2002

Jeanne Zagrodnik (Reappointment)	District 3	December 31, 2004
Jolaine Harris (Reappointment)	District 4	December 31, 2003
Victoria Touchstone (Replaces Cindy Drake)	District 5	December 31, 2002
Martin Schmidt (Reappointment)	District 6	December 31, 2004
Walter Odening (Replaces Don Spear)	District 7	December 31, 2003
Tershia D'Elgin (Replaces Mary Vaughn)	District 8	December 31, 2002
Marty Poirer (Reappointment)	Landscape Architect	December 31, 2004
Floyd O'Quinn (Reappointment)	Certified Arborist	December 31, 2003
William Tall (Reappointment)	Horticulturist/Nursery Industry	December 31, 2002
Laura LiMandri (Replaces Nancy Hughes)	People for Trees Representative	December 31, 2004
Leslie Ann Ryan (Reappointment)	Artist	December 31, 2003

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-101: Easement Grant - San Diego Gas & Electric Company - Mission Valley Library.

(Mission Valley Unified Planning Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-717)

Authorizing the City Manager to execute an Easement Deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, modifying, maintaining and using underground facilities and appurtenance of the transmission and distribution of electricity, affecting a portion of Parcel 9 as shown on Record of Survey Map No. 18354, filed October 8, 1999, as File No. 1999-0683291, in the Office of the County Recorder of San Diego County.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric Company (SDG&E) has requested an easement to provide new underground electrical service for construction of the new Mission Valley Library. The easement will contain a new transformer, one fuse cabinet and the necessary underground conduit. The easement portion will include the transformer. The requested easement area is 6 feet wide, and 280 feet long, and covers approximately 1,680 square feet. Since the requested easement will provide electrical service exclusively to the Mission Valley Library, no compensation will be requested.

FISCAL IMPACT:

None.

Herring/Griffith/CRH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Acquisition of Street Lights from SDG&E for Underground Utility Districts.

(Allied Gardens Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-102)

Authorizing the City Manager to expend an amount not to exceed \$46,628 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, from TransNet Fund 30300, as payment to San Diego Gas and Electric Company for the purchase and installation of new street lights to replace existing pole-mounted street lights in the following underground utility district: Zion Avenue (Mission

Gorge to Estrella), 11 street lights, District 7, Allied Gardens;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$46,628 from TransNet Fund 30300 to San Diego Gas and Electric Company;

Authorizing the expenditure of an amount not to exceed \$46,628 from TransNet Fund 30300 for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

As part of the City's Underground Utility Program, existing pole-mounted street lights must be replaced with new street lights when the overhead utilities are removed. The City owns all street lights, and it is necessary for the City to pay this cost. San Diego Gas and Electric has estimated the cost of purchasing and installing new street lights to be \$46,628. If Council changes the current street light policy it may result in increased costs for this project which may necessitate an additional Council action in the future.

FISCAL IMPACT:

City Cost: Street light replacement cost estimated at \$46,628.

Loveland/Belock/PB

Aud. Cert. 2200034.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-103: Acceptance of Grant Funds from the United States Environmental Protection Agency.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-607)

Approving the acceptance and expenditure of \$10,000 in grant funds from the United States Environmental Protection Agency to the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This action is requested to approve acceptance and expenditure of a \$10,000 grant from the United States Environmental Protection Agency (U.S. EPA) to the City of San Diego.

In September 2001, an unsolicited proposal was sent by Linda Giannelli Pratt, Program Manager for the Environmental Services Department's Community Sustainability Program. The proposal requests funding for the Pacific Coast Roundtable, a newly aligned coalition of community sustainability program representatives from municipalities in California, Oregon, and Washington, as well as Vancouver, British Columbia. The U.S. EPA has agreed to award the City \$10,000 in response to the proposal.

FISCAL IMPACT:

The City will receive a payment of \$10,000.

Loveland/Hays/TA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-104: Allocating Funds for Mission Beach Boardwalk Voids Repair and Reprogramming Funds for Two Capital Improvement Program Projects.

(See City Manager Report CMR-01-172. Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-779)

Amending the Fiscal Year 2002 Capital Improvements Program (CIP) by increasing the appropriation of \$300,000 to CIP-39-224.0, Pacific Beach Streetscape Improvements and \$50,000 to CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$300,000, TransNet Fund 30300, from CIP-52-687.0, Ventura Place Entryway Project, to CIP-39-224, Pacific Beach Streetscape Improvements;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$300,000 from Fund 10532, Belmont Traffic Amelioration Fund, to CIP-52-687.0, Ventura Place Entryway Project, for construction of the Ventura Place Entryway Project;

Authorizing the City Auditor and Comptroller to appropriate \$50,000 from Transient Occupancy Tax Fund - Coastal Infrastructure to CIP-52-719.0, Mission

Beach Boardwalk Bulkhead Preservation;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$300,000 from CIP-52-687.0, Ventura Place Entryway Project, and \$50,000 from CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation, for design and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Voids exist under the Mission Beach Boardwalk in the reaches between San Fernando Place and Ventura Place (Belmont Park), and between Liverpool Court and Pacific Beach Drive. The underlying sand backfill partially supports the concrete walk and bikeway, and also buttresses the supporting pile wall. During storm events where the sand in front of the pile wall has been washed away, sand behind the wall has migrated out through the joints between the piles. This loss of sand may affect the bulkhead structure's ability to withstand large wave loads in the future. The Mission Beach Bulkhead Preservation project will seal the joints in the pile wall and fill the voids. This action will add \$50,000 of TOT monies to \$127,000 already approved for the CIP project out of the FY 02 Coastal Infrastructure TOT Fund. These funds will be used to begin the design for repairs. Significant funds for construction will be requested in the FY 03 Coastal Infrastructure TOT Fund.

Additionally, this action will reprogram and authorize the expenditure of funds within the Ventura Place project and the East Grand Avenue Median Improvement project. Consistent with the Pacific Beach Community Plan, the East Grand Avenue Median Improvement project is also in need of additional funds in order to comply with state and federal required ADA-related improvements. Alternate funding is available for the Ventura Place Project due to its eligibility for traffic amelioration monies.

FISCAL IMPACT:

\$50,000 is available in Transient Occupancy Tax Fund - Mission Bay/Balboa Park Fund No. 102240 for CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation. \$300,000 is available in Fund 10532, Belmont Traffic Amelioration Fund, for CIP-52-687.0, Ventura Place Entryway. \$300,000 is available in Fund 30300 from CIP-52-687.0, Ventura Place Entryway for CIP-39-224.0.

Loveland/Belock/AO

Aud. Cert. 2200609.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Appropriation and Expenditure of Funds - Carmel Del Mar and Solana Highlands

Neighborhood Parks.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-738)

Amending the FY2002 Capital Improvement Program Budget by adding CIP-29-840.0, Carmel Del Mar Neighborhood Park - Tot Lot Upgrade, by \$78,000, and CIP-29-841.0, Solana Highlands Neighborhood Park - Tot Lot Upgrade, by \$16,000, for park improvements, upon receipt of fully executed grant agreements;

Authorizing the appropriation and expenditure of \$78,000 from 2000 Park Bond Per Capita Funds, Fund No. 38165, for CIP-29-840.0, Carmel Del Mar Neighborhood Park - Tot Lot Upgrade, upon receipt of a fully executed grant agreement;

Authorizing the appropriation and expenditure of \$16,000 from 2000 Park Bond Per Capita Funds, Fund No. 38167, for CIP-29-841.0, Solana Highlands Neighborhood Park - Tot Lot Upgrade, upon receipt of a fully executed grant agreement.

CITY MANAGER SUPPORTING INFORMATION:

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager or his representative to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 [Park Bond], including tot lot upgrades for each Council District. The City Manager has secured the grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying use of \$16,000 for tot lot upgrades at Solana Highlands Neighborhood Park and \$78,000 for tot lot upgrades at Carmel Del Mar Neighborhood Park. This action authorizes the City Manager or his representative to move Park Bond funding into the Capital Improvement Projects for Carmel Del Mar Neighborhood Park Tot Lot Upgrade and Solana Highlands Neighborhood Park Tot Lot Upgrade. The Solana Highlands and Carmel Del Mar Neighborhood Parks are located in Neighborhoods 3 and 5, respectively within the Carmel Valley Community Planning Area. By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. The majority of tot lot equipment at the Solana Highlands Neighborhood Park was removed due to non-compliance. The equipment at the Carmel Del Mar Neighborhood Park requires accessibility upgrades. Both

projects would bring the tot lots into full compliance with State and Federal safety and accessibility guidelines. These projects were approved by the Carmel Valley Community Planning Committee, the Carmel Valley Facilities Benefits Assessment Oversight Committee, and the Carmel Valley Recreation Council.

FISCAL IMPACT:

Funds in the amount of \$94,000 are available as follows: \$16,000 from CIP-29-841.0, Solana Highlands Neighborhood Park - Tot Lot Upgrade, 2000 Park Bond Per Capita Funds, Fund No. 38167, and \$78,000 from CIP-29-840.0, Carmel Del Mar Neighborhood Park - Tot Lot Upgrade, 2000 Park Bond Per Capita Funds, Fund No. 38165, for this purpose. Currently \$270,000 has been appropriated to CIP-29-841.0, Solana Highlands Neighborhood Park - Tot Lot Upgrade, and \$41,000 has been appropriated to CIP-29-840.0, Carmel Del Mar Neighborhood Park - Tot Lot Upgrade due to previous Council action.

Loveland/McLatchy/DVW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Beyer Neighborhood Park Expansion.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-708)

Authorizing an expenditure of not to exceed \$1,750,000 from CIP-29-852.0, Beyer Athletic Facilities - Acquisition, State Park Bonds Funds, Fund No. 38132 for the acquisition of property rights and related costs of the park expansion project;

Accepting the generous donation, from Dr. Gerald Handler, of the balance of the value of the property over the \$1,750,000 expenditure.

CITY MANAGER SUPPORTING INFORMATION:

This action requests authorization for the expenditure of \$1,750,000 of State Park Bond Funds for the purchase of approximately 36.65 acres of land from Dr. Gerald Handler (the "Handler property") for expansion of the existing Beyer Neighborhood Park. The subject property is located south of Otay Mesa Road and east of Enright Drive on the boundary of the Otay Mesa

and San Ysidro communities.

In March 2000, California voters approved the \$2.1 billion 2000 Park Bond (Proposition 12). The 2000 Park Bond provides funds for local and state park needs throughout California. The City of San Diego allocation includes \$8,216,000 in Per Capita funding and \$5,936,697 in Roberti-Z'Berg-Harris (RZH) Per Capita funding. The Beyer Neighborhood Park Expansion acquisition project is funded through the RZH Per Capita for \$1,750,000. On August 15, 2000, the San Diego City Council authorized negotiations, funding acceptance and expenditures of State Park Bond funds for several proposed projects. Acquisition of the subject property was included as one of those proposed projects.

The "Handler property" consists of approximately 36 acres in gross for which the City will pay \$1,750,000. The balance of the value of the property will be donated to the City; however, it is up to Dr. Handler to establish the value of the charitable donation. In return for this donation, Dr. Handler has requested naming rights for the park. Both the Otay Mesa and the San Ysidro Community Plans identify the Beyer Neighborhood Park as a population-based park which will serve both communities. As such, the design and construction costs are to be shared between the two communities when funds become available. The San Ysidro community is 25.18 acres deficient in parkland per General Plan Standards. Acquisition of the "Handler property" will contribute towards satisfying the population-based park acreage requirements. The property is intended to be developed with multipurpose turfed fields to support soccer and other sports activities.

FISCAL IMPACT:

Funds in the amount of \$1,750,000 are available from CIP-29-852.0, Beyer Athletic Facilities - Acquisition, State Park Bond Funds, Fund No. 38132, for acquisition of the "Handler property.

Herring/Griffith/MFW

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-107: Pump Station 30A Alternative.

(University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-757)

Authorizing the City Manager to acquire property rights for Sewer Pump Station

30A Alternative purposes;

Authorizing the expenditure of an amount not to exceed \$700,000 from Fund 41506, CIP-46-200.0 (Sewer Pump Station 30A Alternative), for the acquisition of property rights, appraisal, title escrow, and miscellaneous costs.

CITY MANAGER SUPPORTING INFORMATION:

The Sewer Pump Station 30A Alternative project is located near La Jolla Village Drive and the Interstate 5 corridor, in the University City Community. The project involves the installation of a new, gravity-fed sewer main, and the demolition and removal of existing Pump Station 30A. The new sewer main will be installed using tunneling methods, with conventional trenching used at areas where the shallow depth of the new line precludes tunneling. Replacement of the sewer pump station is necessary due to the fact that the existing system is aged and deteriorated. There is no backup power source to the facility in the event of power outages or disturbance, and access to the pump station facility for maintenance purposes is inadequate. Successful completion of the project will provide the surrounding community with a safe and reliable sewer infrastructure, and will greatly minimize the threat of sewer overflows or spills.

This action will authorize the expenditure of funds to acquire the property rights necessary to allow for completion of the project. Necessary property rights include: one tunnel easement of 763,188 cubic feet; seven general utility easements totaling 49,261 square feet; and ten temporary construction areas totaling 40,979 square feet.

FISCAL IMPACT:

Funds in the amount of \$700,000 are available in Fund 41506, Sewer Pump Station 30A Alternative, CIP-46-200.0.

Herring/Griffith/SLG

Aud. Cert. 2200603.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-108: Amending the FY2002 Capital Improvements Program - Rancho Penasquitos - Skate Park.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-740)

Amending the Fiscal Year 2002 Capital Improvement Program Budget by adding CIP-29-516.0, Rancho Penasquitos - Skate Park, in the amount of \$75,000;

Authorizing the Auditor and Comptroller to expend \$75,000 from CIP-29-516.0 for a general development plan and design of a skate park in Rancho Penasquitos from Park Development Fund, Penasquitos East, Fund No. 39085.

CITY MANAGER SUPPORTING INFORMATION:

This request provides for a general development plan and the design of a skate facility within the Rancho Penasquitos Community Planning Area. The facility will provide for an approximately 15,000 to 25,000 square foot structure that will serve approximately 50 patrons an hour. Potential facility amenities are a concrete skate structure, comfort station, drinking fountain and supervisor's office. Total project cost estimate for a concrete bowl skate park facility with 21 parking spaces, concrete circulation paving, fencing, planting and irrigation is \$1,304,402.

FISCAL IMPACT:

Initial funding for the first phase of this project is available from Park Development Fund - Penasquitos East, Fund No. 39085.

Loveland/McLatchy/DS

Aud. Cert.2200602.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Amending the FY 2002 Capital Improvements Program - Memorial CP-Skate Park.

(Southeastern San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-699)

Approving the expenditure of State grant funds for a skate park at Memorial Community Park.

CITY MANAGER SUPPORTING INFORMATION:

In March 2000, California voters passed the 2000 Park Bond which allocates funding to the City of San Diego on a per capita basis. The following project was designated by Council District 8 for funding from their portion of the 2000 Park Bond Roberti-Z'berg-Harris 2000 Per Capita funding:

Memorial Community Park is located at 2902 Marcy Avenue within the Southeastern San Diego Community Planning Area. It is proposed to build an above-ground skate park between 10,000 and 12,000 sq. ft. in this area. This project will provide additional recreational opportunity for the youth of the community.

FISCAL IMPACT:

Funds in the amount of \$450,000 are available as follows: \$294,000 from Park Bond per Capita Funds, Fund No. 38181, pending receipt of a fully executed grant contract; \$30,000 from Park and Recreation, Building Permit Fees District D, Fund No. 15000, and \$126,000 from Park and Recreation Grant Match Funding, CIP-20-013.0.

Loveland/McLatchy/DVW

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-110: North Clairemont Community Park Recreation Center Tot Lot ADA Upgrade and Expansion.

(Clairemont Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-730)

Authorizing the City Manager to amend the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-29-468.0, North Clairemont Community Park Recreation Center Tot Lot ADA Upgrade and Expansion, by \$100,000 in Fund 38153, Park Bond Per Capita Fund, and to increase by an amount not to exceed \$35,000 in Fund 10529, Special District Six Infrastructure for the sole purpose of design and construction of park improvements, for a total project budget of \$185,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an

amount not to exceed \$100,000 from 2000 Park Bond Per Capita Funds, Fund No. 38153, and an amount not to exceed \$35,000 from Special District Six Infrastructure Fund, Fund No. 10529 for CIP-29-468.0, North Clairemont Community Park Recreation Center Tot Lot ADA Upgrade and Expansion, providing that the Auditor first furnishes a certificate certifying that funds are available.

CITY MANAGER SUPPORTING INFORMATION:

The proposed North Clairemont Community Park Recreation Center Tot Lot ADA Upgrade and Expansion project is located at 4421 Bannock Avenue, in the Clairemont Mesa Community area. Per community request the existing Tot Lot will be improved by adding picnic table, barbecue and other park amenities including upgrades compliant with requirements of Federal Americans with Disabilities Act (ADA), and the State of California accessibility laws.

FISCAL IMPACT:

The estimated total project cost is \$185,000 of which \$50,000 has been previously authorized by Resolution R-294563. The additional funds requested in the amount of \$100,000 is available in Park Bond Fund No. 38156 and \$35,000 from Special District Six Infrastructure Fund No. 10529. With this action the requested funding will be made available in CIP-29-468.0 to advertise and award a construction contract for this project.

Loveland/Belock/AO

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-111: Dale Street Storm Drain - Additional Work in Switzer Canyon.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-768)

Approving Change Order No. 1, dated September 7, 2001, with Scheidel Contracting and Engineering for the construction of Dale Street Storm Drain, amounting to a net increase in the contract price of \$108,070;

Authorizing the City Auditor and Comptroller to transfer the amount of \$125,000 from Street Division Operating Fund No. 10440 to Private and Others

Contribution (CIP Fund No. 63022) for construction of the two storm drains, survey, design, permits and environmental, and field inspection;

Authorizing the appropriation and expenditure of an amount not to exceed \$125,000, from CIP Fund No. 63022, for the Dale Street Storm Drain Project (CIP-12-144.0) and funding this change order and related costs.

CITY MANAGER SUPPORTING INFORMATION:

During the course of construction, the storm drain operating division determined that emergency work needed to be performed right away to replace two deteriorated storm drains in Switzer Canyon. Furthermore, it was determined that the scope of this work is beyond City field crew capabilities. Many other utilities including a 30-inch sewer main, are located adjacent to the storm drain pipes and can be impacted in the event of a pipe failure. This emergency work was identified by Street Division in early August of this year and needed to be done before the rainy season to avoid flooding any adjacent properties and also to avoid impacting and/or undermining the existing sewer pipelines in Switzer Canyon.

City staff evaluated many alternatives and found out that it was in the City's best interest to do this work as part of the current Dale Street Storm Drain Replacement project, currently in construction. It was agreed with the contractor to do this additional work in accordance with the original contract's unit bid prices which were reasonable and facilitated this emergency work. The total cost for this work is \$125,000, for construction of the two storm drains, survey, design, permits and environmental, and field inspection.

FISCAL IMPACT:

The additional needed money of \$125,000 needed to fund this additional work is available in the Street Division's Operating Fund 10440.

Loveland/Belock/PB

Aud. Cert. 2200607.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Telemetry Control Systems - SCADA City Forces.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-747)

Authorizing the City Manager to do all work by City Forces in connection with installing the SCADA system in the City's remaining pump stations, pursuant to recommendation of the City Manager that the work can be done by City Forces more economically than if let by contract, and with the cost of the work not to exceed \$250,000;

Authorizing the expenditure of an amount not to exceed \$250,000 from Fund No. 41506, CIP-46-168.0, Telemetry Control Systems - SCADA.

CITY MANAGER SUPPORTING INFORMATION:

The Supervisory Control and Data Acquisition (SCADA) system was installed to identify system failures and reduce the potential for sewage spills. This is accomplished by utilizing state-of-the-art controls installed at the sewer pump stations, by providing near real time monitoring and trending of process data, and by providing specific information on the nature of any given equipment malfunction. This will allow for faster response time to prevent potential sewer spills. The system allows operators at the Metropolitan Operation Center (MOC) complex to observe and diagnose issues associated with the sewer pump stations, the Mission Bay Sewer Interceptor System (MBSIS), and the new coastal flow diversion project.

To date, 26 sewer pump stations and the Mission Bay Sewer Interceptor System have been upgraded with SCADA capability. There are 49 additional pump stations remaining to be upgraded.

This action will authorize funds to be used by City Forces to provide engineering and electrical field work support to the upgrade of the remaining sewer pump stations to SCADA. The support includes site meetings, inspection, plan review, testing, and other miscellaneous activities performed by the field divisions (in this case Wastewater Collection Division).

The entire SCADA upgrade for the municipal pump stations is scheduled to be completed by December 2002.

FISCAL IMPACT:

The total cost of this action is \$250,000 and funding is available in CIP-46-168.0, Telemetry Control Systems - SCADA.

Mendes/Tulloch/HR

Aud. Cert. 2200590.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-113: Foreign Trade Zone No. 153 Subzone for DNP Electronics America, LLC.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-677)

Authorizing the City Manager to submit a request for designation of Subzone No. 3 to the Foreign Trade Zones Board, United States Department of Commerce, enabling DNP Electronics America, LLC to activate their facility in the City of Chula Vista for Foreign Trade Zone activity in accordance with regulations pursuant to federal law (15 C.F.R. part 400);

Authorizing the City Manager to take actions and execute documents as may be necessary to complete the authorization process.

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the U.S. Department of Commerce, Foreign Trade Zone Board authorized the City of San Diego to establish a general purpose Foreign Trade Zone (FTZ) for Otay Mesa. Foreign Trade Zones are predesignated areas outside of the U.S. Customs sphere of influence permitting companies to import and export merchandise duty free. Duties are only assessed on merchandise bought into the U.S. commerce. Companies in FTZ's are also eligible to file U.S. Customs reports via 'weekly entry' rather than daily entries saving companies thousands of dollars each year. General purpose zones allow companies the flexibility to repackage, label, and assemble products but does not permit companies to manufacture. The regulations for FTZ's, governed by the U.S. Department of Commerce, Foreign Trade Zones Board, authorizes grantees to request subzone status on behalf of manufacturing companies within 60 miles of the U.S. Port of Entry. Subzones is a status designated to individual manufacturers within or outside of the general purpose zone. The City of San Diego, as grantee of FTZ No. 153, has the obligation to request subzone status on behalf of all manufacturing companies involved in international trade throughout San Diego County.

The City has received a request by DNP Electronics America, LLC, (DNP) for subzone status of FTZ No. 153. DNP's 90,000 square foot facility is located at 2391 Fenton Street in Chula Vista, CA. DNP, a high tech manufacturing company, imports UV resins and acrylic plates (raw material) with a duty rate of 6.5%. The material is used for manufacturing projection screens (a finished product) with a duty rate of 2.6%. Having subzone status would allow DNP to pay the lower duty rate of 2.6% resulting in significant savings. These projection screens are shipped to television manufacturers such as Sony, Hitachi, Matsushita, Mitsubishi, Pioneer, Philips, Toshiba, and Samsung who are located in Otay Mesa and Mexico.

FISCAL IMPACT:

None. The applicant will incur all expenses related to this request.

Herring/Cunningham/LM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-784)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-115: Rick Hoffman Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-763)

Proclaiming January 12, 2002 as "Rick Hoffman Day" in San Diego, in recognition of his significant contributions to the Real Estate Industry in the City of San Diego.

SUPPORTING INFORMATION:

Rick Hoffman began managing real estate brokerages in 1975 with a small firm in Scripps Ranch. Rick started and operated the ERA The Property store in 1996 and is one of the 10 largest companies in the world. He achieved the status of being one of the "Top Ten" Coldwell Banker companies in the world, through its innovation in technology. Hoffman is the Vice President and General Manager of Coldwell Banker Associates, supervising over 300 sales

associates in eight residential sales offices throughout San Diego, Temecula, Lake Elsinore and Palm Springs. Hoffman is currently a California Association of REALTORS state director. In addition, he has received numerous awards and has been invited to be the keynote speaker on commercial and residential real estate issues at conferences throughout the United States. Through Hoffman's Leadership, the San Diego Association of REALTORS has been recognized by the California Association of REALTORS and National Association of REALTORS for its leadership and innovation in promoting alternative dispute resolution and the establishment of a professional mediation center. Therefore, proclaiming January 12, 2002 to be "Rick Hoffman Day," for his outstanding contributions, efforts, and service to the community in the Real Estate Industry in the City of San Diego.

Balolong

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-116: Gateway Proud to be an American Expo Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-762)

Recognizing December 8, 2001 as "Proud to be an American Expo Day" in honor of the Armed Service's outstanding service, commitment and significant contributions to the City of San Diego.

SUPPORTING INFORMATION:

The largest military community in the world lies within the borders of San Diego, California including the United States Navy, Marine Corps, Army, Air Force, Coast Guard and National Guard. The San Diego business community lends its support to create the Gateway Proud to be an American Expo, a San Diego community celebration saluting the men and women in the United States military are recognized and honored through this day of ceremony and celebration.

The spirit of community and patriotism is felt in the hearts of every San Diego resident. We offer support to the men and women serving around the world. Throughout the year the Armed Forces have maintained the security of our country at home and at posts around the world. Gateway has demonstrated through its role as title sponsor to a strong commitment to the community of San Diego. The San Diego community has demonstrated our support and appreciation of the men and women in the United States Military and of its Commander in Chief for his leadership. The Armed Forces standards of excellence and selfless service are models for all Americans.

Recognizing the Armed Forces of the City of San Diego for their dedication, professionalism, profound respect, pride and their extraordinary accomplishments. Therefore proclaiming December 8, 2001 as "Proud to be an American Expo Day."

Balolong

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-117: Gordon Boerner Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-723)

Recognizing December 12, 2001 as "Gordon Boerner Day" for his outstanding service, commitment and significant contributions to the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

Gordon Boerner is the Scripps Ranch Citizen of the Year in recognition of his dedication and his help to make Scripps Ranch a better place. For many he has given countless hours to numerous projects and organizations. Gordon is currently serving as Executive Vice President of the Scripps Ranch Civic Association, and at the same time he is serving as Vice Chair of the Scripps Ranch Planning Group. As a Scripps Ranch Planning Group board member he heads up the financial committee and oversees the Financial Benefit Assessment fund. During his many years on the Scripps Ranch Planning Group, Gordon has chaired 5 committees and has served on 13 committees.

He utilizes a special ability to distill the multiple elements of complex issues into clear and concise proposals or questions, thereby helping to make them understandable to everyone. He also pairs his attention to detail with innovative ideas. His leadership and gift of time are a benefit to all Scripps Ranch residents, and we wish to honor him on behalf of all the community. Recognizing December 12, 2001 as "Gordon Boerner Day" for his excellence in his activism to make Scripps Ranch a better place to live for his fellow community members.

Balolong

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-118: Alpha Project Neil Good Day Center Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-778)

Recognizing the many accomplishments and dedication of the Alpha Project and the Neil Good Day Center, and proclaiming December 4, 2001 to be “Alpha Project Neil Good Day Center Day” in the City of San Diego.

SUPPORTING INFORMATION:

Commending the Alpha Project’s Neil Good Day Center for its exceptional accomplishments and dedication to the homeless community of San Diego and for their invaluable public service by offering numerous opportunities to the homeless by proclaiming December 4, 2001 to be “Alpha Project Neil Good Day Center Day” in San Diego.

Agey

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-119: Memo Cavada Day.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-741)

Recognizing and appreciating the contributions of Memo Cavada and proclaiming December 6, 2001, as “Memo Cavada Day” in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-120: Memorandum of Agreement between the City of San Diego and the State of California, Department of Transportation (CalTrans).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-750)

Authorizing the City Manager to execute an agreement with CalTrans for the establishment of Unified Certificate Program (UCP) among all United States Department of Transportation (U.S. DOT) recipients in the State of California.

CITY MANAGER SUPPORTING INFORMATION:

All recipients of U.S. DOT funds are required to participate in a Unified Certification Program (UCP) in accordance with the United States Department of Transportation (U.S. DOT) Regulation 49 CRG, Part 26. On March 1, 1994, the City Council adopted Resolution R-283459 authorizing the City Manager to execute a Memorandum of Understanding with the State of California, Department of Transportation (CalTrans) for the purpose of reciprocal certification of Disadvantaged, Minority and Women-owned business enterprises. The MOU is being superseded by a Memorandum of Agreement which provides "one-stop shopping" for the Disadvantaged Business Enterprise (DBE) certification application process to all firms located within California. The "one-stop shopping" certification procedure will eliminate the need for DBE firms to obtain certification from multiple agencies within the State of California. Firms will be certified by the certifying agency nearest to their company headquarters. The DBE certification will then be required to be accepted by all other California agencies receiving U.S. DOT funds. The Unified Certification Program (UCP) has been divided into four regional clusters. The City of San Diego, Port of San Diego and Sunline Transit Agency in Palm Springs will be the certifying agencies for the San Diego, Imperial and Riverside Counties cluster. The annual expenditure of \$1,000 to \$2,000 is a membership fee which will be assessed for the purpose of operating and maintaining the California Unified Certification Program.

FISCAL IMPACT:

Not to exceed \$2,000 annually. Funds exist in current year budget.

Ewell/Stevenson/JTY

Aud. Cert. 2200594.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-121: Transitional Housing and Supportive Services for Victims of Domestic Violence.

(See City Manager Report CMR-01-267.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-760)

Authorizing the City Manager to enter into an agreement with Episcopal Community Services (ECS) for the provision of housing and supportive services to victims of domestic violence;

Authorizing the City Auditor and Comptroller to reallocate and expend \$71,778 in Emergency Shelter Grant (ESG) funds for this agreement with ECS;

Authorizing the City Manager to develop a long-term strategy for delivery of transitional housing and supportive services for victims of domestic violence as outlined in City Manager Report CMR-01-267.

Aud. Cert. 2200599.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-122: Third Amendment to the Consultant Agreement for Sorrento Valley Road.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-755)

Authorizing the City Manager to execute a Third Amendment to Agreement No. C08612 with BRW, Inc. to revise the Environmental Impact Report, obtain environmental permit, and start preliminary design;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 30300, CIP-52-330.0, Sorrento Valley Road, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On March 27, 2001, the City Council (Resolution No. 294697), rejected the City Manager's recommendation to reopen Sorrento Valley Road, did not certify the accompanying EIR, did not approve the amendment to the consultant agreement presented (because the scope reflected

carrying forward the road improvement project to the design stage), and directed staff to prepare studies and documents on two options for the closure of Sorrento Valley Road. One option is to convert the street to a pedestrian/bicycle path and the second is a one-way park road with gates, which would only be open during daytime hours. The City Council further directed staff to prepare all necessary documents and/or reports with necessary findings, including, but not limited to, supporting environmental documents, community plan amendment and a street vacation if legally necessary.

In order to further develop the alternatives directed by Council, a task force of stakeholders was convened from June to October of 2001 to solicit input and refine details on the reuse of Sorrento Valley Road.

The input was needed to design the scope of the project, to form the basis for the community plan amendment and serve as the detailed project description for the environmental analysis. In addition, right of way ownership and legal issues needed to be sufficiently identified for street vacation, access and legal requirements. With this information, project descriptions are being more fully detailed in order to fully evaluate them in a new EIR.

The subject of this action, the Third Amendment to the consultant contract, will provide the funds to complete the EIR, community plan amendment, street vacation and right of way issues, and preliminary design as required.

FISCAL IMPACT:

With this amendment, the total consultant compensation will increase from \$788,298 to \$988,298. The additional funding is available in CIP-52-330.0, Sorrento Valley Road, TransNet Fund 30300.

Loveland/Belock/KS

Aud. Cert. 2200598.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-123: Reimbursement Agreement for Construction of Traffic Signal at Regents Road and Executive Drive.

(North University City Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-751)

Authorizing the City Manager to execute the Reimbursement Agreement with the Lawrence Family Jewish Community Center (LFJCC) to reimburse the LFJCC for costs of construction of the traffic signal in excess of the fair share contribution attributable;

Authorizing the appropriation and expenditure of an amount not to exceed \$105,155.90 from CIP-62-755.0 (Fund 79001) for providing funds for the project.

CITY MANAGER SUPPORTING INFORMATION:

The Lawrence Family Jewish Community Center (LFJCC) constructed a traffic signal as part of Conditional Use Permit (CUP) 96-7145. The fair share contribution attributable to the Lawrence Family Jewish Community Center as a condition of development is 9.1%. The amount reimbursable represents the balance of funding for this project. This project was scheduled for construction/reimbursement in the Fiscal Year 2000 and incorporated into the North University City Public Facilities Financing Plan and Facilities Benefit Assessment, Project NUC-26 and CIP-62-275.0. The Lawrence Family Jewish Community Center is therefore entitled to reimbursement from CIP-62-275.0.

FISCAL IMPACT:

Funds are currently available in the North University City Facilities Benefit Assessment Fund (79001) for reimbursement of this project.

Ewell/Goldberg/JC

Aud. Cert. 2200606.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-124: Lease Agreement - Canyonside Stables, LLC - Los Penasquitos Preserve.

(Los Penasquitos Preserve Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-733)

Authorizing the City Manager to execute a Lease Agreement with Canyonside

Stables, LLC, for the operation of the stables in Los Penasquitos Canyon Preserve.

CITY MANAGER SUPPORTING INFORMATION:

An equestrian center has been located at Black Mountain Road and Mercy Road for more than 18 years. The property is part of an original rancho which boarded and raised horses located in what is now Los Penasquitos Canyon Preserve.

On August 26, 1998 a Request for Proposals was issued to lease the equestrian center. Five proposals were received by the proposal deadline on October 30, 1998. The proposals were reviewed by an ad hoc committee which recommended Canyonside Stables, LLC as the lessee. On June 30, 1999 the Natural Resources and Culture Committee unanimously approved to recommend exclusive negotiations with Canyonside Stables, LLC.

Approximately \$46,000 in capital improvements to the facility have been required by Park and Recreation with City review and approval. The improvements will be eligible for a 50% rent credit. This level of rent credit is due to the cost of the improvements and the short amortization period of the lease. All of the improvements will be owned by the City upon lease termination.

The lease format and operating provisions for the equestrian center have been approved by the Park and Recreation Department. A summary of the agreement is as follows:

TERM - 5 years with two five-year options.

RENT - 10% of Gross Income - estimated to be \$24,000 per year.

SIZE - Approximately 15 acres.

LOCATION - 12115 Black Mountain Road.

FISCAL IMPACT:

Approximately \$24,000 per year (minus rent credits of up to \$1,000 per month for capital improvements) will be deposited into Penasquitos Canyon Preserve Park Fund. Revenue generated by the trail ride operation will be deposited in same fund for trail maintenance - Fund 10582, Revenue Account 75799.

Herring/Griffith/CPA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-125: Miramar Recycling Center Service Contract/Real Property Lease.

(See City Manager Report CMR-01-257. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-701)

Authorizing the City Manager to execute an agreement with the Allan Company for the operation of the Miramar Recycling Center for five years, including a three-year evergreen clause which could be exercised at the end of the second year and each year thereafter if agreed on by the parties and approved by the Council;

Authorizing the City Auditor and Comptroller to deposit revenues received under the Agreement in Fund No. 41210 - Recycling Fund.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-126: Swimming Facilities Lease Agreement.

(Allied Gardens, City Heights, Clairemont, Colina del Sol, North Park, Kearny Mesa, Skyline, Logan Heights, Mira Mesa, University City, and Tierrasanta Community Areas. Districts-1, 3, 4, 5, 6, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-669)

Approving the Lease Agreement with the San Diego Unified School District for the use and rental of City of San Diego swimming pools.

CITY MANAGER SUPPORTING INFORMATION:

The lease agreement provides a five (5) year term contract between the San Diego Unified School District and the City of San Diego Park & Recreation Department from July 1, 2001 through June 30, 2006. Under the provisions of the agreement, the San Diego Unified School District can use and rent the City's swimming pool facilities for the District's swim programs at the following sites: Allied Gardens, City Heights, Clairemont, Colina Del Sol, Bud Kearns, Kearny Mesa, Martin Luther King, Jr., Memorial, Ned Baumer, Swanson, and Tierrasanta. This agreement covers the continuing relationship between the San Diego Unified School District and the City of San Diego for the continuing use of the City pools. There are no changes in this use agreement.

FISCAL IMPACT:

None to the City. District will pay the City of San Diego Park & Recreation Department a monthly rental fee (listed in Exhibit 1) for the use of the facilities. This revenue will be deposited into the General Fund 100.

Loveland/McLatchy/MS

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-127: University Avenue Streetscape - Change Order No. 3.

(City Heights and North Park Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-752)

Authorizing the City Manager to execute a Contract Change Order No. 3 to the University Avenue/Lincoln Avenue Two Way Couplet System with Heffler Company, Inc.;

Authorizing the reprogramming of \$10,000 from Fund 30300, CIP-62-001, Annual Allocation - High Accident Locations, to CIP-52-462.0, University Avenue/Lincoln Avenue Two Way Couplet System;

Authorizing the reprogramming of \$37,000 from Fund 30300, CIP-58-001.0, Annual Allocation - New Developments, to CIP-52-462.0, University Avenue/Lincoln Avenue Two Way Couplet System;

Authorizing the transfer of \$83,000 from Street Division Operating Fund, Fund 10440, to Private and Others Contribution - CIP Fund, Fund 63022;

Authorizing the expenditure of an amount not to exceed \$109,446 from Water Fund 41500, CIP-73-038.0, Annual Allocation - Water Main Replacements;

Authorizing the expenditure of an amount not to exceed \$116,393 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacements;

Authorizing the expenditure of an amount not to exceed \$355,839 from CIP-52-462.0, for Change Order No. 3;

Authorizing the expenditure of \$10,000, \$37,000, \$83,000 from CIP-52-462.0,

University Avenue/Lincoln Avenue Two Way Couplet System, an expenditure of \$130,000, for a total expenditure for Change Order No. 3 of an amount not to exceed \$355,839.

CITY MANAGER SUPPORTING INFORMATION:

The University Avenue Streetscape Project (CIP-39-210.0) will provide for curb, gutter, sidewalk, median, and other improvements along University Avenue between Herman Avenue and Wilson Avenue. This project also includes the portion of University/Lincoln Couplet (CIP-52-462.0). On March 20, 2000, pursuant to Resolution R-294170, the City Manager executed a construction contract with Heffler Company, Inc. for these improvements. The original contract included partial resurfacing of University Avenue, as required to install the streetscape improvements. The remaining areas were scheduled to receive resurfacing in the future as part of the City's street paving program. During construction, substandard pavement was encountered in several locations that had to be replaced before the proposed improvements, or any resurfacing, could be installed. Based on the community's concern and also our observation during construction it was recommended that the substandard pavement that was encountered in several locations be replaced before the proposed improvements were in place. In addition, the Water and Metropolitan Wastewater Department had planned work in the same area to replace aging pipelines and requested that this work be included in the project to eliminate future disturbance of the newly paved streets. The Transportation Department's Traffic Engineering Division had been studying the intersection of University Avenue at Bancroft Street as part of their work to address high accident locations. They recommended the installation of a raised median to block the unsafe left turns onto University Avenue from Bancroft Street. This was initiated by the Greater North Park Community Traffic sub-committee meeting on November 13, 2000 and approved by the full Planning Committee on June 19, 2000. Since this work was scheduled to occur in the future and would affect the currently proposed improvements, it is recommended that all of this work be added to the current contract to minimize on-going disruption to the community. Change Order No. 3 was negotiated for this purpose.

FISCAL IMPACT:

The total cost of this change order is \$355,839. Of this request, funding for the sewer related work in the amount of \$116,393 is available in CIP-44-001.0, Fund 41506. Funding for the water replacement in the amount of \$109,446 is available in CIP-73-038.0, Fund 41500. Funding for the road improvements in the amount of \$120,000 is available with \$83,000 from Fund 63022, and \$37,000 from CIP-58-001.0, Fund 30300. Funding for the median improvement in the amount of \$10,000 is available in CIP-62-001.0, Fund 30300.

Loveland/Belock/PB

Aud. Cert. 2200604.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-128: Adoption of the Governmental Relations Department Proposed Public Policy Priorities for 2002.

(See Andrew Poat's 11/15/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-788)

Adopting the recommendations of the Governmental Relations Department regarding proposed public policy priorities for 2002, contained in the Memo to the Mayor and Members of the Rules Committee dated November 15, 2001, with the following additions:

1) Add to page 1 "Fund Transit First Demonstration Project." 2) Add to page 6 "Stormwater Pollution Prevention Project Funding." 3) Approve the exercise of the second year contract option with Marston and Marston/Sloat Higgins.

Directing the Governmental Relations Department to return to the Rules Committee with a draft resolution that will support enhancing and protecting municipal revenues and continue to work with Deputy Mayor Stevens on the issue of residential care facilities.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/21/2001, RULES voted 4-0 to approve the adoption of the Governmental Relations Department proposed public policy priorities for 2002 with the following additions: 1) Add to page 1 "Fund Transit First Demonstration Project." 2) Add to page 6 "Stormwater Pollution Prevention Project Funding." 3) Approve the exercise of the second year contract option with Marston and Marston/Sloat Higgins. 4) The Governmental Relations Department should return to the Rules Committee with a draft resolution that will support enhancing and protecting municipal revenues. 5) The Governmental Relations Department should continue to work with Deputy Mayor Stevens on the issue of residential care facilities. (Councilmembers Wear, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Atkins not present.)

ADOPTION AGENDA, CONSENT ITEMS **RESOLUTIONS:**

- * ITEM-129: Approval of SANDAG Region 2020 Smart Growth Resolution.

(See Mayor Murphy's 11/21/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-787)

Supporting the Region 2020 strategy and the following smart growth principles that it promotes:

1) New development to be focused closer to urban jobs and activity centers and away from rural areas. 2) Additional travel choices among activity centers, and more mixed use development and pedestrian-friendly urban designs. 3) Location of new jobs near existing housing, and new housing near existing jobs. 4) A variety of housing types in each community that meet the housing needs of all income levels. 5) Adequate investment for existing and future infrastructure needs in smart growth areas. 6) Environmentally-sensitive development that conserves energy and water; ensures the protection of resources that preserve the biodiversity of the region; and preserves open space, community parts, agricultural lands, watersheds, wetlands, scenic values, and wildlife.

Declaring that local plans and regulations should ensure that future growth improves the quality of life throughout the region and local elected officials are urged to plan now for the future by incorporating smart growth principles into local general plans, zoning ordinances, project review criteria, street design standards, and other implementation processes, and to make decisions consistent with the smart growth principles.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/21/2001, RULES voted 4-0 to approve the SANDAG Region 2020 Smart Growth. (Councilmembers Wear, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Atkins not present.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-130: Sewer & Water Group 661B - Contract Change Order No. 3 and Other Related Costs.

(See Frank Belock Jr.'s 11/6/2001 memo. Uptown Community Area. District-2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-744)

Authorizing the Contract Change Order No. 3, dated September 21, 2001 with Pacific Southwest Construction for the construction of Sewer and Water Group 661B (Project), amounting to a net increase in the contract price of \$281,200;

Authorizing the City Manager to use City Forces for water main repairs, highlining, and inspection services, all related to the Project, in an amount not to exceed \$120,000;

Authorizing the expenditure of an amount not to exceed \$296,200 from Sewer Fund 41506, CIP-44-001.0 for providing funds for Contract Change Order No. 3 and engineering and other Project-related costs;

Authorizing the expenditure of an amount not to exceed \$66,022 from Water Fund No. 41500, CIP-73-858.1 for providing funds for engineering and other Project-related costs;

Authorizing the expenditure of an amount not to exceed \$120,000 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for providing funds for City Forces work on the Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/14/2001, NR&C voted 4-0 to approve with direction to the City Manager to report back to the Natural Resources and Culture Committee on recent project cost increases in light of the increased quantity of CIP projects expected in the near future. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer & Water Group 661 B is part of the City's ongoing Concrete Sewer and Cast Iron Water Main Replacement Program. This project was awarded to Pacific Southwest, Inc., on July 21, 2001. The scope of this project is approximately 6,200 feet of sewer main, 1,215 feet of water main, 22 new pedestrian ramps, 30 replumbs, and street repair. Construction Change Order No. 3 is a result of unforeseen poor soil conditions and poor street pavement conditions. While working on Marilouise Way, the contractor encountered poor street pavement conditions which were exacerbated by the contractor's work on Marilouise Way. As a result, it was determined that the street pavement should be replaced. Therefore, additional funds are needed to pay the additional pavement cost for Marilouise Way set forth in the Contract Change Order No. 3. Moreover, the sewer main construction on Altamirano Way exposed poor soil conditions. The soil eventually collapsed causing a water main breakage. City Forces made repairs to the water main and highlined the main to prevent further damages. The additional City Forces Work over

expended the funds by \$54,738.48. Therefore, additional funds are needed for City Forces Work in order to address the deficit and the remaining work to be done. Also, additional inspection services at a cost of \$30,000 are needed to address the additional work performed on Altamirano Way and Marilouise Way.

FISCAL IMPACT:

The total cost of this project is \$2,471,512.60 of which \$2,111,689 was previously authorized by Council Resolutions. This request of \$296,200 is available in fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$66,022 is available in Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement.

Loveland/Belock/HR

Aud. Cert. 2200591.

WWF-02-558

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-131: FY2002 Funding for Coastal Infrastructure and Facilities Projects.

(See City Manager Report CMR-01-172. Torrey Pines, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Peninsula Community Areas. Districts-1 and 2.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-734)

Amending the Fiscal Year 2002 Capital Improvements Program Budget by adding CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation; CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements; CIP-29-501.0, Coastal Erosion Assessment Update; CIP-52-718.0, La Jolla Parking Structure Design; and CIP-29-502.0, Torrey Pines Glider Port General Development Plan;

Authorizing the appropriation of an amount not to exceed \$1,638,038 from the Transient Occupancy Tax Fund - Coastal Infrastructure and Facilities (Fund 102232) and \$130,000 from the Transient Occupancy Tax Fund - Council District 1 is authorized as follows: \$127,000 to CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation; \$150,000 to CIP-52-338.8, 5998 Camino de la Costa

Storm Drain Replacement; \$103,039 to CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements; \$40,000 to CIP-29-486.0, Coast Boulevard Walkway Improvements; \$66,019 to CIP-29-501.0, Coastal Erosion Assessment Update; \$50,000 to CIP-52-718.0, La Jolla Parking Structure Design; \$149,000 to CIP-33-503.0, La Jolla Shores Lifeguard Station; \$15,000 to CIP-29-495.0, La Jolla Cove Comfort Station Improvements; \$80,000 to CIP-29-472.0, Mission Beach - South Belmont Park Restroom; \$149,000 to CIP-33-502.0, North Pacific Beach Lifeguard Station; \$452,000 to CIP-29-473.0, Pacific Beach Lifeguard Tower and Grand Avenue Restroom; \$80,000 to CIP-29-471.0, South Kellogg Park Restroom; \$80,000 to CIP-52-688.0, Sunset Cliffs Erosion Protection; \$75,000 to CIP-29-502.0, Torrey Pines Glider Port General Development Plan; and \$100,000 to CIP-29-680.0, Windansea Erosion Control Plan;

Authorizing the expenditure of an amount not to exceed \$51,980 from the Transient Occupancy Tax Fund - Coastal Engineer Fund (Fund 10223) to pay for 1/4 of a Coastal Engineer Position and Conference Fees (\$27,120), and the City's share of the annual cost for SANDAG to monitor the region's coastal beach erosion (\$24,860);

Authorizing the expenditures in the amounts set forth in this paragraph provided that, subsequent to adoption of this resolution, an environmental analysis for each of these projects is completed in accordance with the California Environmental Quality Act prior to the release of construction funds: an amount not to exceed \$127,000 from CIP-52-719.0, Mission Beach Boardwalk Bulkhead Preservation; an amount not to exceed \$150,000 from CIP-52-338.8, 5998 Camino de la Costa Storm Drain Replacement; an amount not to exceed \$103,039 from CIP-52-717.0, Bird Rock Coastal Traffic Flow Improvements; an amount not to exceed \$40,000 from CIP-29-486.0, Coast Boulevard Walkway Improvements; an amount not to exceed \$66,019 from CIP-29-501.0, Coastal Erosion Assessment Update; an amount not to exceed \$50,000 from CIP-52-718.0, La Jolla Parking Structure Design; an amount not to exceed \$149,000 from CIP-33-503.0, La Jolla Shores Lifeguard Station; an amount not to exceed \$15,000 from CIP-29-495.0, La Jolla Cove Comfort Station Improvements; an amount not to exceed \$80,000 from CIP-29-472.0, Mission Beach - South Belmont Park Restroom; an amount not to exceed \$149,000 from CIP-33-502.0, North Pacific Beach Lifeguard Station; an amount not to exceed \$452,000 from CIP-29-473.0, Pacific Beach Lifeguard Tower and Grand Avenue Restroom; an amount not to exceed \$80,000 from CIP-29-471.0, South Kellogg Park Restroom; an amount not to exceed \$80,000 from CIP-52-688.0, Sunset Cliffs Erosion Protection; an amount not to exceed \$75,000 from CIP-29-502.0, Torrey Pines Glider Port General Development Plan; and an amount not to exceed \$100,000 from CIP-29-680.0, Windansea Erosion Control Plan.

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer excess budgeted funds, if any, to the

appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 8/1/2001, NR&C voted 5-0 to approve the City Manager's recommendations.
(Councilmembers Peters, Wear, Frye, Madaffer, and Inzunza voted yea.)

Aud. Cert. 2200561.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-132: PFLAG San Diego 20th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-781)

Commending PFLAG San Diego for 20 years of promoting the health and well being of gay, lesbian, bisexual and transgendered persons, their families and friends, through support, education and advocacy;

Proclaiming December 8, 2001 to be "PFLAG San Diego 20th Anniversary Day" in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:**

ITEM-150: Request to Declare a State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(See Councilmember Atkins' 10/23/2001 memo, Congressman Filner's 10/12/2001 press release and Congressman Filner's 10/10/2001 letter.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-695)

Declaring a State of Emergency due to economic circumstances in the San Diego-Tijuana border region; requesting President Bush and Governor Davis to declare Economic States of Emergency for the United States and the State of California.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/7/2001, RULES voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to declare a local state of economic emergency along the San Diego/Mexican border and to take the following steps:

- A) Seek funding to improve staffing of border crossing facilities:
 - 1) Support Congressman Filner's legislation adding \$20 million to pending Homeland Security Appropriations legislation before the Congress (\$6 million required for San Ysidro facility).
 - 2) Seek sustained funding of Federal agencies with border inspection responsibilities to permit operation of all incoming lanes.
 - 3) Seek application of technology that will speed border crossings and security.
- B) Direct the Economic Development Department to engage border businesses to connect them with available assistance and to identify programs that may be needed that do not currently exist.
- C) Direct the City Manager and Economic Development to present an assessment of how the issue of border security and inspections affect current economic development activities in the border region.
- D) Establish a Declaration of Economic Emergency as follows:
 - 1) Local declaration to be considered by City Council.
 - 2) State declaration will be sought following City Council action.
 - 3) Request for State declaration will ask the Governor to request a Federal declaration.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: Approving the Plans and Specifications and Inviting Bids for Resurfacing Various Streets City Wide Group R-5.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-494)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for Resurfacing Various Streets City Wide Group R-5;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$4,770,536; \$4,178,036 from Street Division Operating Fund 10440, \$417,000 from Fund 30300, CIP-59-001.0, Annual Allocation to be funded by TransNet Fund 30300, \$108,000 from Sewer Revenue Fund 41506, and \$67,500 from Water Department Fund 41500, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-02049-C)

CITY MANAGER SUPPORTING INFORMATION:

This resurfacing contract is part of the City's annual street maintenance program. It provides for the repair and resurfacing of approximately 28 miles of asphalt streets citywide. Locations for resurfacing are chosen through the city's pavement management system, using the following criteria: age, oxidation, cracking, amount of patching, amount of traffic, and avoiding conflict with planned underground utility work. Failed areas of the pavement will be removed and repaired prior to resurfacing. The contract continues to require that asphalt adjacent to curbs and gutters is ground down prior to resurfacing to maintain current curb height and proper drainage. Approximately 12,000 tons of asphalt will be removed and recycled for use in later street maintenance activities. Also, included in this contract is the installation of curb ramps. Curb ramps will be placed at affected locations in accordance with ADA requirements. The large amount of utility trenching now occurring citywide has forced us to postpone our utility clearances and our final selection of streets to be resurfaced until just prior to the start of work. The Mayor and Council will be provided with a final list of streets and any subsequent changes as soon as they are available. Construction for this project is expected to begin in January 2002, and take approximately 5 months to complete.

FISCAL IMPACT:

Funds for this project in the total amount of \$4,770,536 are available as follows: \$4,178,036 from Street Division Operating Fund 10440; \$417,000 from Fund 30300/CIP-59-001.0 Annual Allocation to be funded by TransNet Fund 30300; \$108,000 from Sewer Revenue Fund 41506; and \$67,500 from Water Department Fund 41500.

Loveland/Gonzalez/MMW

Aud. Cert. 2200553.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: Addition to Capital Improvements Program (CIP) FY02 - Cortez Hill Transitional Housing Project.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-731)

Amending the Fiscal Year 2002 Capital Improvements Program (CIP) to add CIP-37-013.0, Cortez Hill Transitional Housing Project, for providing year-round, short-term transitional housing for homeless families;

Amending the Fiscal Year 2002 CIP Budget by appropriating an amount not to exceed \$3,500,000 from CCDC Fund 10249 to CIP-37-013.0, Cortez Hill Transitional Housing, for previously authorized expenditures related to land acquisition in accordance with Resolution R-294400;

Increasing the Fiscal Year 2002 CIP Budget by appropriating an amount not to exceed \$690,976 from CCDC Fund 10249 for providing funds for rehabilitation of the former Days Inn, and an amount not to exceed \$470,000 from HUD 108 Fund 18518 to CIP-37-013.0, for City Administration expenses and other costs related to the rehabilitation of the former Days Inn;

Authorizing the City Manager to issue Task Order ECP.01.010249.00 from CCDC Fund No. 10249 with Philips National, Inc., AC No. 2100085, in an amount not to exceed \$690,976, in accordance with San Diego Municipal Code Section 22.3104(c) per Bid No. K20098C for the rehabilitation of the former Days Inn, to provide transitional housing for homeless families.

CITY MANAGER SUPPORTING INFORMATION:

This proposed year-round, Short-Term Transitional Housing project for Homeless Families will be sited at the former Days Inn Motel at 1449 Ninth Avenue in San Diego's Cortez Hill area. This proposed facility will provide services for up to 45 (forty-five) homeless families (150 individuals). The average length of stay for most families is expected to be 60-90 days. This proposed facility will be replacing the existing housing currently in the downtown area of San Diego, which will be demolished in May 2002.

In order to complete the renovation work of the proposed facility before the demolition of the

existing transitional facility, this project is being assigned the status of a Bona Fide emergency. The renovation work will be performed under the City's Job Order Contract by Phillips National, Inc., a construction company which is prepared to complete the renovation work by May 2002.

FISCAL IMPACT:

HUD 108 funds of \$470,000 are being made available in Job Order 018518 for City costs contingent upon the acceptance of the proposed Conditional Use Permit, the Centre City Planned District Ordinance, and the Environmental Impact Report.

Funds of \$690,976 are available in CCDC Fund No. 10249 for the Job Order Contract.

On Tuesday, November 21, 2000, the Redevelopment Agency transferred \$3.5 million for acquisition, rehabilitation and related costs of the Days Inn Motel on Ninth and Beech Streets to provide short term transitional housing for homeless families. On November 21, 2000, City Council accepted the transfer of Redevelopment Agency funds of \$3.5 million, Agency Resolution #03274. On Tuesday, December 12, 2000, City Council Resolution R-294400 authorized the expenditure of \$3,500,000, for the purchase of property and miscellaneous costs for the Short-Term Housing Project.

Loveland/Belock/AO

Aud. Cert. 2200587.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-202: Two actions related to Camino Santa Fe/State Route 56 Interchange.

(Pacific Highlands Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-759)

Authorizing the City Manager to enter into a Cooperative Agreement with Pardee Construction Company for the design and construction of the Camino Santa Fe Interchange (Agreement);

Amending the Fiscal Year 2002 Capital Improvement Program (CIP) budget by increasing \$9,900,000 to CIP-52-463.0 (SR-56/Camino Santa Fe Interchange) Fund 63022;

Authorizing the City Auditor and Comptroller to accept \$9,750,000 from Pardee Construction Company and deposit the amount in Fund 63022, CIP-52-463.0;

Authorizing the City Auditor and Comptroller to appropriate and expend \$9,750,000 from CIP-52-463.0 (SR56/Camino Santa Fe Interchange) Fund 63022 for the purpose of designing and constructing the Camino Santa Fe Interchange, contingent upon the City Auditor and Comptroller first certifying that funds are available in the City Treasury;

Authorizing the City Manager to enter into two agreements with the California Department of Transportation for the funding, design, and construction on the SR-56/Camino Santa Fe Interchange on the terms and conditions as contemplated in the Camino Cooperative Agreement with Pardee Construction Company for the design and construction of the Camino Santa Fe Interchange;

Authorizing the City Manager to execute a Facilities Benefit Assessment (FBA) Credit and Reimbursement Agreement, for costs associated with the SR-56 Camino Santa Fe Interchange which includes reimbursement of \$9,900,000 plus interest in an amount not to exceed \$1,782,000, contingent upon the City Auditor and Comptroller first certifying that funds are available in the City Treasury and in a form substantially similar to Exhibits DI and D2 of the Cooperative Agreement with Pardee Construction Company for the design and construction of the Camino Santa Fe Interchange.

Subitem-B: (R-2002-780)

Certifying that the information contained in the final environmental document LDR-95-0099 dated May 14, 1998, certified by Resolution R-290286, adopted on June 16, 1998, including any comments received during the public review process, has been reviewed and considered by the Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with approval of Camino Santa Fe/State Route 56 Interchange.

CITY MANAGER SUPPORTING INFORMATION:

The construction of State Route 56 is one the highest transportation priorities in the City. Phase 1, from Black Mountain Road to Camino Ruiz, is currently under construction and will be completed in June 2002. Phase 2, from Camino Ruiz to Carmel Valley, will be completed in July 2004. As currently contemplated, the funding and construction of the Camino Santa Fe/State Route 56 interchange, which will be in the Pacific Highlands community, is not part of the State Route 56 project. This action allows for this interchange to be constructed concurrently with the State Route 56 project and be completed by September 2004 (the completion date of July 2004 for State Route 56 will not be affected).

This would avoid the interchange needing to be constructed immediately after the freeway's completion as would be necessary to serve the growth in the Pacific Highlands community. Through the cooperative agreement with the City, the Pardee Construction Company, the largest property owner in Pacific Highlands, will fund the interchange. The agreement also provides certainty to Pardee in the first two phases of the community's transportation plan for a building permit allocation exactly proportional to the percentage of their ownership in the Pacific Highlands. On July 18, 2001 all property owners in Pacific Highlands were invited to a meeting in which this arrangement was discussed. No objections were raised. A companion agreement between the City and Caltrans which will convey the funds received from Pardee to Caltrans for purposes of executing the interchange work, would be executed at the point in time that the City Auditor and Comptroller certifies that Pardee's funds are available.

FISCAL IMPACT:

\$9,900,000 plus \$1,782,000 of interest in the form of FBA credits or cash reimbursement per the FBA credit and reimbursement agreement.

Loveland/Belock

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-203: State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road).

(NCFUA Subarea III Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-761)

Authorizing the City Manager to execute a Cooperative Agreement for Normalization of State Route 56 Right-of-Way Limits with the California Department of Transportation and Pardee Construction Company to reconvey the excess right-of-way adjacent to Pardee Construction Company's properties that was acquired by the City and to provide for the sale, at fair market value, of any excess right-of-way acquired that was not covered by the Development Agreement to Pardee and other adjacent property owners.

CITY MANAGER SUPPORTING INFORMATION:

This Cooperative Agreement provides the vehicle, at the completion of construction of S.R.-56,

to reconvey the excess right of way adjacent to Pardee Construction Company's properties that was acquired by the City. These properties were acquired from Pardee as a result of the Development Agreement between the City of San Diego and Pardee Construction Company approved by Ordinance O-18571, adopted September 8, 1998. The excess right of way will be reconveyed at no costs to Pardee. The Cooperative Agreement also provides for the sale, at fair market value, of any excess right of way acquired that was not covered by the Development Agreement to Pardee and other adjacent property owners.

Herring/Griffith/RAG

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-204: Construction of State Route 56 from Camino Ruiz Interchange to Black Mountain Road.

(Carmel Valley, Pacific Highlands, Torrey Highlands and Rancho Penasquitos Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-745)

Authorizing Contract Change Order No. 31, dated November 6, 2001, issued in connection with the contract between the City of San Diego and E.L. Yeager Construction Company, Inc., for the construction of State Route 56 from Camino Ruiz Interchange to Black Mountain Road, and amounting to a net increase in the contract price of \$341,263;

Authorizing the expenditure of an amount not to exceed \$341,263 from Fund 38960, CIP-52-463.0 for Contract Change Order No. 31.

CITY MANAGER SUPPORTING INFORMATION:

In September 1999, when the construction plans and specifications were finalized for the project which started construction in January 2000, approximately 100,000 cubic meters of excess dirt from roadway excavation was designated to be stock piled between Carmel Mountain Road and future Camino Ruiz for use in the State Route 56 middle segment (Phase II) project.

In December 2000, City Council approved the Camino Ruiz Interchange funding agreement with the Torrey Highlands Coalition adding the extension of State Route 56 main lane paving westerly and eastern facing Camino Ruiz Interchange ramps to the project.

In order to not delay the Phase II project which begins east of Camino Ruiz and to allow for construction of the main lane paving and eastern Camino Ruiz Interchange Ramps, it is necessary to execute a change order to remove the approximately 100,000 cubic meter of excess dirt off site. The total cost to remove the excess dirt off site is \$955,597 of which the Torrey Highlands Coalition will pay \$614,334 of the cost and the project is responsible for \$341,263, which is the estimated cost the Phase II project would have incurred to transport the dirt on site.

FISCAL IMPACT:

The cost of the change order is \$341,263 and funds are available in Fund 38960. It should be noted that while this will increase the State Route 56 Phase I project of that amount, Phase II will be reduced by that amount, resulting in no net change to the overall project.

Loveland/Belock/PB

Aud. Cert. 2200588.

ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:

ITEM-205: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: City-wide Franchise Agreement

Agency Negotiator: George I. Loveland, Senior Deputy City Manager; Patricia Frazier, Deputy City Manager; Deborah Berger, Deputy City Attorney.

Negotiating Parties: San Diego Gas & Electric.

Under Negotiation: Price and Terms.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on December 11, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in

favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material

Thursday 12/20/2001 75

Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

PUBLIC NOTICES:

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ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at the Municipal Primary Election to be held on Tuesday, March 5, 2002 the City Clerk has fixed 5:00 p.m. on Thursday, December 20, 2001, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Mesa Del Sol Unit No. 4

COMMUNITY AREA

Mira Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT